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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/555,376 08/25/00 LAUK

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MMC2/1107

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EXAMINER

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ALEXANDRIA VA 22314

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ART UNIT

PAPER NUMBER

2834

DATE MAILED:

11/07/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	<b>Application No.</b> 09/555,376	<b>Applicant(s)</b> LAUK ET AL.	
	<b>Examiner</b> Karen B Addison	<b>Art Unit</b> 2834	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 20) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ineson(0626747) in view Oruganty(6,018,233) .

Ineson discloses in fig.2 a motor housing that is slipped with the gear housing (66) slipped on the gear housing wherein the gear housing (42) has an angular groove (74) into which an encompassing annular bead (1) and radial shoulder (14) is remote from the housing, which is engaged from behind by and annular collar (1b) bent inward from the motor housing and a annular rib (19f) whose other annular rib face form a radial extension (2b) of the radial leg face of the chamfer (2a). Ineson does not disclose a short circuit ring, or a metal housing for the gear and motor.

Oruganty discloses a electric motor in fig.2 comprising a metal housing (53) and gear housing (71) made of metal for the purpose of improving the transfer of heat between the two housing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the electric motor of Ineson with the metal housing of the motor and gear for the purpose of improving both retention and sealing.

2. Claims 18-20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ineson in view of Oruganty as applied to claims 8-17 above, and further in view of Bayha(4694211).

As seen in paragraph 1, Ineson discloses an electric motor and Oruganty disclose a metal housing for the motor and gear. However neither Ineson nor Oruganty discloses a short circuit ring in side the housing.

Bayha disclose in fig. (1) an electric motor comprising a motor housing (10) inclosing a stator and a short circuit ring (16) secured to permanent magnets (17) for the purpose of preventing the permanent magnets from being damage.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the electric motor of Ineson with the metal housing of the motor and gear of Oruganty with the short circuit ring of Bayha for the purpose of improving both retention and sealing of housing.

Referring to claims 8-11,15-17, no patentable weight has been given to the Method of manufacturing limitations (i.e. roller burnishing) since "even though product-by-process claims are limited by and defined by process, determination of patentability is based on the product itself. The patentability of a product does not depend on it's method of production. If the product in the product- by – process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process."

In re Thorpe, 777 F2d 695, 698,227, USPQ 964,966 (Fed.Cir. 1995).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 8-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen B Addison whose telephone number is 703-306-5855. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1317. The fax phone numbers for the organization where this application or proceeding is

assigned are 703-305-3431 for regular communications and 703-305-3431 for  
After Final communications.

Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the receptionist whose telephone number is  
703-308-0956.

KBA  
November 1, 2001



KARL TAMAI  
PRIMARY EXAMINER